

**ARNOLD & PORTER LLP**202.942.5000  
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Washington, DC 20004-1206**Fax Transmittal**

December 23, 2005

RECIPIENT NAME(S)	RECIPIENT FAX NUMBER(S)	RECIPIENT TELEPHONE NUMBER(S)
Board of Patent Appeals and Interferences Attn: Dianne Maggard	(571) 273-0299	
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David R. Marsh	(202) 942-5068	982
CLIENT/MATTER NUMBER	TIMEKEEPER NUMBER	NUMBER OF PAGE(S)
16517.323	4979	We are transmitting 3 page(s) (including this cover sheet)
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<b>MESSAGE</b>		

Re: Appeal No. 2003-1072; Conf. No. 4215

U.S. Patent Appln. Ser. No. 09/333,534 filed June 14, 1999

Title: Nucleic Acid Molecules and Other Molecules Associated with Plants

Inventors: Timothy W. CONNER *et al.*

Atty. Docket: 16517.323

Please see the attached Express Abandonment under 37 CFR § 1.138(a) for the above-identified application.

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## ARNOLD &amp; PORTER LLP

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December 23, 2005

**VIA FACSIMILE**

Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Appeal No. 2003-1072  
Confirmation No. 4215

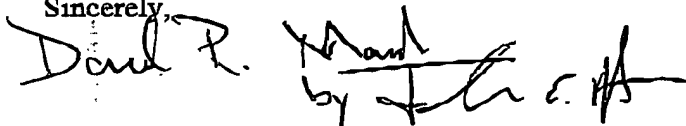
Re: U.S. Patent Application Serial No. 09/333,534 filed June 14, 1999  
Inventors: Timothy W. CONNER *et al.*  
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants  
Atty. Dkt.: 16517.323

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office is an Express Abandonment under 37 C.F.R. § 1.138(a). This letter and its attachment are being sent via facsimile to the attention of the Board of Patent Appeals and Interferences.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Appellants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. § 1.16 or § 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docketing number 16517.323.

Sincerely,



David R. Marsh (Reg. No. 41,408)  
By Thomas E. Holsten (Reg. No. 46,098)

Attachment

I hereby certify that this transmittal and the attached Express Abandonment under 37 C.F.R. § 1.138(a) are being facsimile transmitted to the US PTO to the attention of the Board of Patent Appeals and Interferences via facsimile number (571-273-0299).

Sandra Tapscott

December 23, 2005  
Date

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Timothy W. CONNER *et al.*

Appln. No.: 09/333,534

Filed: June 14, 1999

For: Nucleic Acid Molecules and Other Molecules Associated with Plants

Confirmation No.: 4215

Art Unit: 1631

Examiner: A. Marschel

Atty. Docket: 16517.323

**Express Abandonment Under 37 C.F.R. § 1.138(a)**

Mail Stop Express Abandonment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby expressly abandon U.S. Application Serial No. 09/333,534 under 37 C.F.R. § 1.138(a) in view of a continuing application filed on December 22, 2005.

Should the Commissioner require additional information, he is invited to contact the undersigned at the number provided below. The undersigned is an attorney of record and therefore has authority to expressly abandon the above-captioned U.S. application in favor of a continuing application filed on December 22, 2005.

Respectfully submitted,

David R. Marsh  
by John E. A.

Filed: December 23, 2005

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I hereby certify that the foregoing Express Abandonment under 37 C.F.R. § 1.138(a) is being facsimile transmitted to the U.S. Patent and Trademark Office to the attention of the Board of Patent Appeals and Interferences via facsimile number (571) 273-0299.

Sandra Tartisel

December 23, 2005  
Date